

REMARKS

The Official Action of September 26, 2007 and the references cited therein have been carefully considered. The Applicant respectfully requests reconsideration of the application in view of the following remarks. Claims 1-27 have been canceled without prejudice and rewritten for convenience in presentation as new Claims 28-51. Support for this amendment is found in the specification, e.g. page 3, line 9 to page 11, line 20, page 31, line 10 to page 51, line 1, and the claims of the application as filed.

1. Claims 28-51 are pending in the application.
2. Applicants gratefully acknowledge the Examiners consideration of the Information Disclosure Statement.
3. Claims 1-4, 17-20 and 22 stand rejected under 35 U.S.C. 102 (b) as being anticipated by Rosevear et al. Applicants note that Rosevear et al. disclose two compounds ("C" and "D") wherein R¹ is chloro, R³ is methyl, R⁴ and R⁵ form a phthalimide group, and R⁶ is hydrogen. Rosevear et al. do not ascribe any therapeutic utility whatsoever to their compounds. The compounds of Rosevear et al. were prepared to study the dynamics of certain chemical reactions (see e.g. pg. 339).

Applicants respectfully traverse this rejection and submit that Rosevear et al. does not disclose each and every element of the claimed invention, in particular, wherein R³ is C₁₋₆alkyl substituted with halogen, hydroxyl or phenyl. Nor do Rosevear et al. teach that such compounds would have therapeutic utility, in particular, the potentiation or inhibition of metabotropic glutamate receptor activity in a mammal.

Accordingly, the rejection of Claims 1-4 and 18-22 under 35 U.S.C. § 102(b) as being anticipated by Rosevear et al. is untenable and should be withdrawn.

4. Claims 1-4 and 8-22 stand rejected under 35 U.S.C. § 103(a) as being obvious over Rosevear et al.

The Applicants respectfully traverse this rejection and provide the following comments. The Applicants respectfully assert that Rosevear et al. does not disclose or suggest the claimed invention. Nor would Rosevear et al. have motivated or enabled one skilled in the art to employ the subject compounds in accordance with the claimed invention. Moreover, in view of the state of the art, one skilled in the art would have been discouraged from the compounds of the claimed invention.

Rosevear et al. disclose two compounds ("C" and "D") wherein R¹ is chloro, R³ is methyl, R⁴ and R⁵ form a phthalimide group, and R⁶ is hydrogen. Rosevear et al. do not ascribe any therapeutic utility whatsoever to their compounds. The compounds of Rosevear et al. were prepared to study the dynamics of certain chemical reactions (see e.g. abstract).

As discussed above, the present claims includes compounds wherein R³ is C₁₋₆alkyl is substituted with halogen, hydroxyl or phenyl, which are structurally distinct from the two methyl compounds of Rosevear et al.

Applicants respectively submit that there would have been no motivation nor guidance for one of ordinary skill in the art to have selected the compounds of Rosevear et al. and then to have modified such compounds to prepare the instant compounds which have activity as potentiators of metabotropic glutamate receptors.

Rosevear et al. does not teach or suggest compounds wherein R³ is C₁₋₆alkyl substituted with halogen, hydroxyl or phenyl. Nor do Rosevear et al. teach that such compounds would have pharmaceutical utility, in particular, the potentiation or inhibition of metabotropic glutamate receptor activity in a mammal. Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to take the compounds of Rosevear et al. that are useful to study the dynamics of certain chemical reactions and prepare compounds that have pharmaceutical utility, in particular, the potentiation or inhibition of metabotropic glutamate receptor activity in a mammal.


Because Rosevear et al. discloses that their compounds are useful to study the dynamics of certain chemical reactions, one of ordinary skill in the art would have actually been taught away from the claimed compounds because they would not have considered that such compounds would have pharmaceutical utility, in particular, the potentiation or inhibition of metabotropic glutamate receptor activity in a mammal.

Accordingly, Applicants respectfully submit that the rejection of Claims 1-4 and 8-22 under 35 U.S.C. § 103(a) as being obviousness over Rosevear et al. is untenable and should be withdrawn.

5. Claims 5-7, 23 and 26 stands objected to as being dependent on a rejected base claim. In view of the foregoing amendments and remarks, Applicants respectfully submit that the objection to the claims is untenable and should be withdrawn.

Applicants respectfully contend that the application is allowable and a favorable response from the Examiner is earnestly solicited.

Respectfully submitted,

By 
J. Eric Thies
Reg. No. 35,382
Attorney for Applicant

MERCK & CO., Inc.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-3904

Date: December 20, 2007